

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD OCTOBER 20, 1998 AT 2:30 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. David C. Mangum, Chairman; Mr. Larry L. Weeks, Vice
Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr.
James A. Rankin; Mr. G. Robert Lee, County Administrator; Mr.
Paul S. McCulla, County Attorney

EROSION AND SEDIMENT CONTROL UPDATE - JOHN MARSHALL SOIL AND
WATER CONSERVATION DISTRICT

Members of the John Marshall Soil and Water Conservation District Board
and staff presented an update on the erosion and sediment control program.

UNFUNDED TECHNOLOGY INITIATIVES - ROY BURROW

Roy Burrow conducted a work session regarding unfunded technology
initiatives.

REVIEW OF PROPOSED PERSONNEL POLICY AMENDMENT, SECTION #36,
WORKER'S COMPENSATION

The Personnel Department reviewed proposed amendments to Section #36
of the Personnel Policy regarding Worker's Compensation.

ROUTE 28 VDOT ALTERNATIVES REVIEW AND DISCUSSION

A work session to review and discuss VDOT's alternatives for Route 28
improvements was conducted prior to action being considered at the regular
meeting.

EXECUTIVE SESSION

Mr. Weeks moved to go into executive session pursuant to Virginia Code
Section 2.1-344(A) (7) for discussion of legal matters. Mr. Burton seconded, and
the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

Upon reconvening from executive session, Mr. Weeks moved to adopt the
following certification. Mr. Burton seconded.

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an
executive meeting on this date pursuant to an affirmative recorded vote and in
accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 20th day of October 1998, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Absent During Meeting: None

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

ADOPTION OF THE AGENDA

Mr. Weeks asked the Board to consider waiving Section 5-1 and 5-2 of the By-Laws and Rules of Procedure to add A Resolution to Accept and Authorize Execution of Virginia Department of Aviation Grant for Construction of Terminal Renovations at the Warrenton-Fauquier Airport to the Consent Agenda. Mr. Weeks then asked the Chairman to allow him to reserve a point of order through Item #7 of the Regular Agenda, Zoning Ordinance Text Amendment to Article 15, Definition of Minor Residential Development to Eliminate the Requirement for Special Exceptions for Residential Developments in Service Districts, prior to the adoption of the agenda because the point of order being raised is one which will cause the removal of this item from the agenda completely. This is based upon the fact that the minutes of the August 19, 1998 meeting revealed that this item was postponed to a work session on September 2, 1998. It was decided at that work session to table this item until standards could be put in place that would guarantee that service districts would not be harmed in the absence of the special exception process. Those standards are not in order at this time because the Planning Commission's recommendations are inadequate and not complete. Therefore, this item is out of order at this time because they have not been approved by the Board. Consideration of this item would be contrary to the order of the previously approved minutes. Mr. Mangum agreed to honor Mr. Weeks' reserved point of order.

Mr. Weeks then moved to adopt the agenda subject to the addition. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

CITIZENS TIME

* Kevin Maloney spoke in opposition to the proposed Zoning Ordinance text amendment to remove the requirement of special exceptions in service districts.

* Domonic Paravano asked the Board to consider creating jobs and investments in the County.

* Dennis McMullen spoke in opposition to the proposed Zoning Ordinance text amendment to remove the requirement of special exceptions in service districts.

* Tammy Beaver spoke in opposition to the proposed Zoning Ordinance text amendment to remove the requirement of special exceptions in service districts.

* Mrs. Andrew Bartenstein asked the Board to consider tabling the proposed Zoning Ordinance text amendment to remove the requirement of special exceptions in service districts until more information is available.

* Alexandria Hanson asked the Board to consider bringing light industry and jobs with a future to the County.

* Jan Barbano felt that citizens did not have appropriate time to review and respond to the Virginia Power issues and asked the Board to consider placing it back on the agenda for reconsideration.

* Steve Aire spoke in opposition to the proposed Zoning Ordinance text amendment to remove the requirement of special exceptions in service districts.

* Eva Richardson spoke in opposition to the proposed Zoning Ordinance text amendment to remove the requirement of special exceptions in service districts.

CONSENT AGENDA

Mr. Weeks moved to adopt the following Consent Agenda items. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

Approval of the Minutes of the October 6, 1998 Regular Meeting of the Board of Supervisors

A Resolution to Authorize the Chairman to Sign the Lease for the 32 Ashby Street Office Space for a Period of One Year

RESOLUTION

BE IT RESOLVED by the Fauquier County Board of Supervisors this 20th day of October 1998, That the Chairman be, and is hereby, authorized to sign the lease for the 32 Ashby Street office space for a period of one year.

A Resolution Amending the County of Fauquier's Deferred Compensation Plan to

Provide that Assets and Income of the Plan are Held in Trust for the Exclusive Use of Plan Participants and Their Beneficiaries

RESOLUTION

A RESOLUTION AMENDING THE COUNTY OF FAUQUIER'S DEFERRED COMPENSATION PLAN TO PROVIDE THAT ASSETS AND INCOME OF THE PLAN ARE HELD IN TRUST FOR THE EXCLUSIVE USE OF PLAN PARTICIPANTS AND THEIR BENEFICIARIES

WHEREAS, the County of Fauquier has employees rendering valuable services; and

WHEREAS, the County of Fauquier has established a deferred compensation plan for such employees that serves the interest of the County by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the County of Fauquier has determined that the continuance of the deferred compensation plan will serve these objectives; and

WHEREAS, amendments to the Internal Revenue Code have been enacted that require changes to the structure of and allow enhancements of the benefits of the deferred compensation plan; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 20th day of October 1998, That the County of Fauquier hereby amends and restates the deferred compensation plan (the "Plan") in the form of the ICMA Retirement Corporation Deferred Compensation Plan and Trust; and, be it

RESOLVED FURTHER, That the assets of the Plan shall be held in trust, with the County of Fauquier serving as the trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose. The Trustee's beneficial ownership of the Plan assets held in the ICMA Retirement Trust shall be held for the further exclusive benefit of the Plan participants and their beneficiaries; and, be it

RESOLVED FINALLY, That the County of Fauquier hereby agrees to serve as Trustee under the Plan.

A Resolution Authorizing the Execution and Delivery of a Continuing Disclosure Agreement, Use of Proceeds Certificate and Any Other Necessary or Useful Tax Law Documents in Connection with the Distribution by the Virginia Public School Authority of the Net Savings Realized by the Virginia Public School Authority Through the Issuance by the Virginia Public School Authority of its School Financing and Refunding Bonds (1997 Resolution) Series 1997-I, Certain of the Proceeds of Which Refunded County of Fauquier, General Obligation School Bonds, 1994 Series A; and Authorizing Any Other Actions Necessary to Achieve the Objectives Contemplated Hereby

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT, USE OF PROCEEDS CERTIFICATE AND ANY OTHER NECESSARY OR USEFUL TAX LAW DOCUMENTS IN CONNECTION WITH THE DISTRIBUTION BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF THE NET SAVINGS REALIZED BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY

THROUGH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING AND REFUNDING BONDS (1997 RESOLUTION) SERIES 1997-I, CERTAIN OF THE PROCEEDS OF WHICH REFUNDED COUNTY OF FAUQUIER, GENERAL OBLIGATION SCHOOL BONDS, 1994 SERIES A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY

WHEREAS, the Virginia Public School Authority (the "Authority") pursuant to a resolution duly adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution"), issued, amongst other series, two certain series of bonds designated as "Virginia Public School Authority School Financing Bonds (1987 Resolution) 1991 Series A" and "Virginia Public School Authority School Financing Bonds (1987 Resolution) 1992 Series A" (the "1987 Resolution Bonds") for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia; and

WHEREAS, the Authority used a portion of the proceeds of the 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Fauquier, Virginia designated County of Fauquier, General Obligation School Bonds, 1994 Series A ("Local School Bonds"); and

WHEREAS, the Authority refunded certain of the 1987 Resolution Bonds (the "Refunded Bonds") from a portion of the proceeds of its Virginia Public School Authority School Financing and Refunding Bonds (1997 Resolution) Series 1997-I (the "Refunding Bonds") issued pursuant to a resolution duly adopted by the Authority on October 23, 1997 (the "1997 Resolution"); and

WHEREAS, the Authority anticipates delivering to the County of Fauquier, its allocable share of the savings realized from the refunding of the Refunded Bonds; and

WHEREAS, the Authority in effecting the refunding has pledged the Local School Bonds for the benefit of the holders of Bonds issued under its 1997 Resolution; and

WHEREAS, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission Rule 15c2-12 (the "Rule"); and

WHEREAS, the Authority has requested the County of Fauquier, Virginia to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule; and

WHEREAS, the Authority has requested the County of Fauquier, Virginia to execute a Use of Proceeds Certificate and any other instruments necessary or useful to evidence compliance with the requirements for maintaining the tax-exempt status of the Virginia Public School Authority's bonds; and

WHEREAS, the Board of Supervisors of the County of Fauquier, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement, Use of Proceeds Certificate and other instruments necessary or useful to comply with requirements for maintaining said tax exempt status;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA THIS 20TH DAY OF OCTOBER 1998:

1. Continuing Disclosure Agreement.

The County Administrator and such officer or officers as he may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form presented at this meeting as Exhibit A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule.

2. Documentation Required for Tax Law Purposes.

The officers of the County of Fauquier, Virginia are hereby authorized and directed to execute a Use of Proceeds Certificate and any other instruments, including an 8038-G form, (collectively, the "Tax Documents") necessary or useful for evidencing compliance with the requirements for maintaining the tax-exempt status of the Virginia Public School Authority's bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Tax Documents and any such action previously taken is hereby ratified and confirmed.

4. Effective Date

This resolution shall take effect immediately.

A Resolution to Revise the By-Laws of the Fauquier County Parks and Recreation Board

RESOLUTION

A RESOLUTION TO REVISE THE BY-LAWS OF THE
FAUQUIER COUNTY PARKS AND RECREATION BOARD

WHEREAS, the Fauquier County Parks and Recreation Board operates within the structure established by a set of by-laws; and

WHEREAS, those by-laws were adopted by the Board of Supervisors in September 1972 and revised in October 1983; and

WHEREAS, it is now in the best interest of the Parks and Recreation Board to revise those by-laws to change the date Parks and Recreation Board member terms expire from September 14 to September 30; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of October 1998, That the revisions to the by-laws of the Fauquier County Parks and Recreation Board changing the expiration date for terms of the Parks and Recreation Board members to September 30 be, and is hereby, adopted.

A Resolution of Intent to Consider Amending the Comprehensive Plan to Allow Re-Designation of Property in the Cedar Run Magisterial District and to Consider Rezoning this Twelve (12) Acre Parcel from Rural Agricultural to Residential (R-1)

RESOLUTION

A RESOLUTION OF INTENT TO CONSIDER AMENDING THE COMPREHENSIVE PLAN

TO ALLOW REDESIGNATION OF PROPERTY IN THE CEDAR RUN MAGISTERIAL DISTRICT AND TO CONSIDER REZONING THIS TWELVE ACRE PARCEL FROM RURAL AGRICULTURAL TO RESIDENTIAL

WHEREAS, Morris A. Cooper, owner, has requested the Board of Supervisors initiate an amendment to the Comprehensive Plan and Zoning Map on property herein identified as PIN #7901-33-8434-000; and

WHEREAS, the Board of Supervisors is agreeable to initiate the amendment provided that for all other purposes this application shall be treated as an application instituted by the landowner; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of October 1998, That the Board of Supervisors initiates without making any comment on the appropriateness of the amendment consideration of an amendment to the Comprehensive Plan to designate the property identified by PIN #7901-33-8434-000 and rezone from Rural Agriculture to Residential zoning district; and, be it

RESOLVED FURTHER, That the Planning Commission determine whether the plan amendment and rezoning consideration needs to be expanded to include the surrounding properties in a Settlement designation, which would result in the inclusion in the rezoning to R-1; and, be it

RESOLVED FURTHER, That Morris A. Cooper, owner of the property identified as PIN #7901-33-8434-000, submit the required land development application and fees for the Comprehensive Plan Amendment and Rezoning before this matter is forwarded to the Planning Commission; and, be it

RESOLVED FINALLY, That the Planning Commission is requested to advertise and hold a public hearing on this proposed Comprehensive Plan Amendment and Rezoning and to submit its recommendations to the Board of Supervisors.

A Resolution to Accept and Authorize Execution of Virginia Department of Aviation Grant for Construction of Terminal Renovations at the Warrenton-Fauquier Airport

RESOLUTION

RESOLUTION TO ACCEPT AND AUTHORIZE EXECUTION OF VIRGINIA DEPARTMENT OF AVIATION GRANT FOR CONSTRUCTION OF TERMINAL RENOVATIONS AT THE WARRENTON-FAUQUIER AIRPORT

WHEREAS, the County of Fauquier has submitted applications for State funding grants from the Virginia Department of Aviation (VDOA) for development of the Warrenton-Fauquier Airport; and

WHEREAS, the Virginia Department of Aviation has approved a project grant for renovation of the terminal at the Airport and issued a Grant Agreement dated 6 October 1998 (VDOA Project No. CS0068-08) for acceptance and execution by the appropriate Fauquier County official, with the maximum obligation of the Commonwealth of Virginia under the grant not to exceed \$71,307 and the grant being subject to certain terms and conditions as contained in said Grant Agreement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of October 1998, That the Grant Agreement dated 6 October 1998, issued by the Virginia Department of Aviation (VDOA Project No. CS0068-08), for renovations to the terminal at the Warrenton-Fauquier Airport be, and is hereby, accepted; and, be

it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign on behalf of the County the said Grant Agreement and any other necessary grant documentation.

AUTHORIZATION TO INCLUDE THE SCHOOL TRANSITION SPECIALIST POSITIONS
INTO THE BOARD OF SUPERVISORS CLASSIFICATION AND PAY PLAN

Mr. Rankin moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE INCLUDING THE SCHOOL
TRANSITION SPECIALIST POSITION INTO THE
BOARD OF SUPERVISORS CLASSIFICATION AND PAY PLAN

WHEREAS, since April 22, 1996, the classification and pay plan has been administered by David M. Griffith, & Associates, LTD, now known as DMG MAXIMUS; and

WHEREAS, it is desirable and appropriate to amend that classification and pay plan from time to time in order to promote the economy and efficiency of government and public schools; and

WHEREAS, class specifications for a School Transition Specialist position within Fauquier County Public Schools has been recommended by DMG MAXIMUS, and approved by the Joint Personnel Committee as part of the Board of Supervisors approved pay plan and position classification system; and

WHEREAS, the appropriate funds for this position have been included in the approved annual FY99 School budget; and

WHEREAS, proper justification for this action has been presented to the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of October 1998, That the submitted class specifications of a School Transition Specialist be, and are hereby, approved for incorporation into the compensation pay plan with an effective date of July 1, 1998, in accordance with applicable Fauquier County policies and procedures.

Class	Pay Grade	Range	
		Mnimum	Maximum
School Transition Specialist	19	\$25,289 -	\$38,235

AN ORDER DETERMINING UNREASONABLE ADVERSE EFFECT FOR VIRGINIA
DEPARTMENT OF TRANSPORTATION ROUTE 28 OPTIONS

Mr. Burton moved to adopt the following order. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

ORDER

AN ORDER DETERMINING UNREASONABLE ADVERSE EFFECT FOR VIRGINIA DEPARTMENT OF TRANSPORTATION ROUTE 28 OPTIONS

WHEREAS, the Virginia Department of Transportation has proposed certain improvements to Route 28; and

WHEREAS, the improvements proposed by the Virginia Department of Transportation are contained in six options identified as Alternatives A, A-1, A-2, B, C, and D; and

WHEREAS, the Virginia Department of Transportation has identified Alternatives A, A-2 and B as involving the potential acquisition and use of lands currently in the Southern Fauquier Agricultural and Forestal District; and

WHEREAS, pursuant to the requirements contained in Virginia Code Section 15.2-4313, the Virginia Department of Transportation has filed a report with the Board of Supervisors of Fauquier County entitled "Technical Report/Notice of Intent to Acquire Land in the Southern Fauquier Agricultural/Forestal District"; and

WHEREAS, the Fauquier County Agricultural and Forestal Advisory Committee has reviewed proposed Alternatives A, A-2 and B and by letter dated September 25, 1998, has recommended to the Board of Supervisors that all three alternatives have adverse impacts; and

WHEREAS, the Fauquier County Planning Commission reviewed proposed Alternatives A, A-2 and B and by motion at its adjourned meeting of October 1, 1998, has recommended to the Board of Supervisors that Alternatives A-2 and B have potential adverse impacts; and

WHEREAS, the Board of Supervisors has reviewed the Technical Report/Notice of Intent to Acquire Land in the Southern Fauquier Agricultural/Forestal District filed by the Virginia Department of Transportation; has received and reviewed the recommendations of the Agricultural and Forestal District Advisory Committee and the Planning Commission; has received and reviewed materials from County staff and held a work session on September 15, 1998; now, therefore, in conformance with the requirements contained in Virginia Code Section 15.2-4313, be it

FOUND by the Board of Supervisors of Fauquier County this 20th day of October 1998, That Alternatives A-2 and B:

(i) may have an unreasonably adverse impact on the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and on the policy of Chapter 43, Title 15.2 of the Code of Virginia; and

(ii) may not be necessary to provide service to the public in the most economical and practical manner; and

(iii) may have other reasonable alternatives available that would minimize or avoid any potential adverse impacts on agricultural and forestal resources within the district;

and; be it

FURTHER FOUND, by the Board of Supervisors that the proposed actions under Alternatives A-2 and B might have unreasonable adverse effects upon either state or local policy; now, therefore, be it

ORDERED that the Virginia Department of Transportation be, and is hereby, directed not to take any action proposed under Alternatives A-2 and B for a period of 150 days from August 3, 1998, being the date its Notice was filed with the County of Fauquier; and, be it

FURTHER ORDERED, That the County Administrator is hereby directed to schedule a public hearing within the 150 days from August 3, 1998, as prescribed by law, to receive public comment on the actions proposed to be taken under Alternatives A-2 and B; and, be it

FINALLY ORDERED, That in addition to the receipt of public comment on Alternatives A-2 and B, the Board of Supervisors will at the aforesaid public hearing also receive and forward to the Virginia Department of Transportation public comment, if any, on any other alternative which is proposed by the Virginia Department of Transportation but has not been found under this Order to have a potentially unreasonable adverse impact.

ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 15, DEFINITION OF MINOR
RESIDENTIAL DEVELOPMENT TO ELIMINATE THE REQUIREMENT FOR SPECIAL
EXCEPTIONS FOR RESIDENTIAL DEVELOPMENTS IN SERVICE DISTRICTS

Mr. Rankin moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO DENY RECOMMENDED AMENDMENTS TO THE ZONING
ORDINANCE TO ELIMINATE THE REQUIREMENT FOR SPECIAL EXCEPTIONS FOR
RESIDENTIAL DEVELOPMENTS IN SERVICE DISTRICTS

WHEREAS, the Ordinance and Regulation Advisory Committee (ORAC) has recommended an amendment to the Zoning Ordinance's Article 15 definition of minor residential development to eliminate the requirement for a special exception for all service district residential subdivisions; and

WHEREAS, on June 26, 1997, the Planning Commission, subsequent to a May 29, 1998, public hearing, recommended denial of the proposed amendments; and

WHEREAS, the Board of Supervisors, following a public hearing on August 19, 1998, agrees with the Planning Commission's recommendation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 20th day of October 1998, That the proposed amendment to Article 15 of the Fauquier County Zoning Ordinance that were recommended by the ORAC be, and is hereby, denied.

A RESOLUTION TO ABANDON A PORTION OF VIRGINIA ROUTE 1406 (MOSBY DRIVE) BETWEEN ITS INTERSECTION WITH NORDIX DRIVE AND THE NORTHEAST CORNER OF LOT 32, CHESTNUT TURN SUBDIVISION

Mr. Rankin moved to table a proposed resolution to abandon a portion of Virginia Route 1406, Mosby Drive, until November 17, 1998 in order to study the proposal further. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

FY 1999-2000 SECONDARY ROADS IMPROVEMENT BUDGET AND FY 1999-2000 THROUGH 2004-2005 SIX-YEAR PLAN

A public hearing was held to consider the FY 1999-2000 Secondary Roads Improvement Budget and the FY 1999-2000 through 2004-2005 Six-Year Plan. The following citizens spoke:

- * Anita Gray-Tortorelli - in favor of upgrade/signal at Route 29/215 intersection and the Route 215 connector
- * Kathleen King - in favor of improvements to Route 603
- * Dave McGlothlin - in favor of the Route 215 connector
- * Jill Galey - in favor of taking Oakview Drive into the Secondary Road System
- * Jenny Wood - in favor of taking Oakview Drive into the Secondary Road System
- * Mary Morran - requested the barrier on Mosby Drive be replaced; tar/chip on Blackwell Road; and asphalt on streets in Warrenton Lakes Subdivision
- * Bill Downey - in favor of the Route 215 connector; suggested leaving the "S" curve in Route 600 to assist in traffic calming
- * Mimmie Moore - opposed to paving Conde Road
- * Eric Meeding - spoke in favor of the Route 215 connector

The public hearing was closed. Action was deferred until a future meeting.

FAUQUIER COUNTY CODE AMENDMENT - ARTICLE XIV, SECTION 8-39

A public hearing was held to consider amending Article XIV, Section 8-39 of the Fauquier County Code to change the filing deadline for creation of an agricultural or forestal district or addition to land of an existing district from November 1st to February 1st. No one spoke. The public hearing was closed. Mr. Burton moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY TO ADD ARTICLE XIV ENTITLED "AGRICULTURAL AND FORESTAL DISTRICTS, SECTION 8-39 SETTING FORTH A DEADLINE FOR THE FILING OF APPLICATIONS FOR THE CREATION OF, OR ADDITION TO, AGRICULTURAL AND FORESTAL DISTRICTS

WHEREAS, Section 15.2-4305 of the Code of Virginia, 1950, as amended, provides that application for the creation of an agricultural or forestal district or addition to land of an existing district shall be filed on or before November 1 of each year or any other annual date selected by the locality; and

WHEREAS, the Board of Supervisors desires to establish February 1st as the annual date by which applications for the creation of an agricultural or forestal district or addition to land of an existing district shall be filed; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 20th day of October 1998, That Article XIV, Section 8-39 be, and is hereby, added to Chapter 8 of the Code of Fauquier County as follows:

ARTICLE XIV. AGRICULTURAL AND FORESTAL DISTRICTS

Section 8-39. Agricultural and Forestal District Application Deadline. February 1st shall be the annual date by which applications for the creation of an agricultural or forestal district or addition to land of an existing district shall be filed with the Fauquier County Department of Community Development. Applications shall be upon such forms as may be prescribed by the Department of Community Development.

SPECIAL EXCEPTION - FAUQUIER COUNTY SCHOOL BOARD, OWNER/APPLICANT

A public hearing was held to consider a request for special exception approval from the Fauquier County School Board to construct a road and entrance within a C-2 zone of the County for a new school to be located within the Town of Warrenton. The property contains 1.6 acres and is located on the west side of Shirley Avenue, adjacent to the Town of Warrenton, PIN #6983-46-3366-000, Marshall District. John Williams, representing the School Board, spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Rankin moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION
REQUEST #SE98-M-16
BRUMFIELD ELEMENTARY SCHOOL

WHEREAS, the Applicant and Property Owner, Fauquier County School Board, has filed an application for a special exception to construct a road and

entrance within the County for a new school to be located within the Town of Warrenton, pursuant to Section 2-205, Uses Split by Jurisdictional Boundaries, of the Fauquier County Zoning Ordinance; and

WHEREAS, the Special Exception Application of Fauquier County School Board, Property Owner and Applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has a filed staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance; and

WHEREAS, the Fauquier County Planning Commission held a public hearing September 24, 1998 on this special exception amendment request and recommended approval; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 20th day of October 1998, That Special Exception #SE98-M-16, Fauquier County School Board, Property Owner (PIN 6983-46-3366-000), be, and is hereby, approved subject to the following conditions:

1. The final construction plan must show Alwington Boulevard to have a 110 foot right-of-way, although the Applicant is only presently responsible for constructing two (2) lanes of this future four (4) lane road.
2. The Applicant must show to the County's satisfaction that the Town has included the road and entrance in their Stormwater Management and BMP. If this cannot be shown, the applicant must construct a SWM/BMP facility for the road.
3. An Erosion Control Plan for the road must be prepared and submitted to the County prior to the issuance of a Land Disturbing Permit.

REZONING REQUEST - D.C. DIAMOND CORPORATION, OWNER

A public hearing was held to consider a request from D.C. Diamond Corporation to rezone 65 acres from Rural Agriculture to Light Industrial. The property is located at the intersection of Route 29/15 and Business Route 29/15 and Route 655 in the Remington Service District, PIN #6888-37-4051-000, Lee District. Robert Jones, Matthew Eden, Kitty Smith, Sharon McCamy and David Lewis spoke in opposition to the request. No one else spoke. The public hearing was closed. Mr. Mangum moved to table the request until the November 17, 1998 meeting. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST - CLARK'S GUN SHOP, INC.

A public hearing was held to consider a request from Clark's Gun Shop, Inc. to amend the Comprehensive Plan for the Opal Service District to redesignate 12.128 acres from Light Industrial to Commercial Highway and to rezone the same

property from Industrial Park to Commercial Highway. The property has frontage on Route 15/29 (James Madison Highway) and Route 17 (Marsh Road), and is located south of the Route 15/29 and 17 intersection, PIN #6980-38-0442-000, #6980-38-1267-000, #6980-28-8484-000, and #6980-38-3754-000, Lee District. Ben Jones, representing Clark's Gun Shop, Inc., Madge Eicher, Steve Clark, and Scott Carter spoke in favor of the request. Inez Hubber, John Feet, Kathleen King, Kitty Smith, Ed Stinat, and David Lewis spoke in opposition. The public hearing was closed. Mr. Mangum moved to table the request until the November 17, 1998 meeting. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST - LEON B. ZEIGER PROPERTY

A public hearing was held to consider a request from Leon B. Zeiger to amend the Comprehensive Plan for the Opal Service District to redesignate a total of 60 acres, a 27 acre parcel, PIN #6980-25-3434-000, and 33 acres of a 298.7 acre parcel, Part of PIN #6970-77-4545-000, from Planned Commercial Industrial Development (PCID) to Commercial Shopping Center; and to rezone a total of 92 acres, consisting of 19.7 acres from Rural Agriculture to Commercial Highway, Part of PIN #6980-25-3434-000, 41.5 acres from Rural Agriculture to Commercial Shopping Center Community/Regional, Part of PIN #6980-25-3434-000, and #6970-77-4545-000, and 30.8 acres from Rural Agriculture to Industrial Park, Part of PIN #6970-77-4545-000. The property is located on the west side of Route 15/29 (James Madison Highway) at the south end of the Service District, Lee District. Merle Fallon, representing the Zeigers, Barbara Zeiger, Bob Sowder, Mark Riley, Max Harway, and Clinton Ridder spoke in favor of the request. Kathleen King, Chuck Rose, Kitty Smith, John Ross, Inez Hubber, and Ray Cultrera spoke in opposition. The public hearing was closed. Mr. Mangum moved to table the request until the December 15, 1998 meeting. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

ZONING ORDINANCE TEXT AMENDMENT - SECTION 14-103.1, MEMBERSHIP OF THE PLANNING COMMISSION

A public hearing was held to consider amending Section 14-103.1 of the Zoning Ordinance to delete the last sentence and replace it with a sentence that there shall be one member from each magisterial district, who shall be a resident of that district at the time of his or her appointment. John Feet spoke in favor of the amendment. Tom Savage, Mary Morran, Sharon McCamy, Sue Scheer and Kitty Smith spoke in opposition. The public hearing was closed. Mr. Weeks moved to deny an amendment to the ordinance, leaving the current ordinance in place. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.

Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

COMPREHENSIVE PLAN AMENDMENT - PUBLIC FACILITIES AND UTILITIES -
CHAPTER 9 AND STANDARDS FOR TELECOMMUNICATIONS TOWERS AND
ANTENNAS - ARTICLE 11 OF THE FAUQUIER COUNTY ZONING ORDINANCE

A public hearing was held to consider amending Chapter 9 of the Comprehensive Plan relating to Public Facilities and Utilities to establish policy guidelines, a locational hierarchy, design standards, and implementation strategies for telecommunication facilities. The telecommunications plan focuses primarily on establishing and implementing policies for mobile and land based telecommunications equipment and facilities providing communications for personal mobile telephones, radios for commercial dispatching and public safety uses, and paging services and consider Standards for Telecommunications Towers and Antennas - Article 11 of the Fauquier County Zoning Ordinance which would implement the recommended guidelines and policies contained in the Telecommunications Section of Chapter 9, Public Facilities and Utilities of the Comprehensive Plan. The purpose of this new article is to establish general guidelines for the siting of towers and antennas. Merle Fallon, representing American Tower Corporation, and Ann McCarty spoke in favor of the amendment. Michael Stronigh suggested that water towers be used for such facilities. No one else spoke. The public hearing was closed. Mr. Weeks moved to table the amendment until the November 17, 1998 meeting. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

APPOINTMENT TO THE RAPPAHANNOCK RIVER BASIN COMMISSION

Mr. Green moved to appoint Mr. Burton to the Rappahannock River Basin Commission and himself as alternate. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin
Nays: None
Absent During Vote: None
Abstention: None

SUPERVISORS TIME

* Mr. Rankin said that the new transit bus running in the Town of Warrenton was an excellent asset to the Town and that it is hoped that it will soon expand services to the County.

With no further business, the meeting was adjourned.